

**Written evidence submitted by Disabled Survivors Unite (INV0011)**

## ABOUT OUR ORGANISATION

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1. Disabled Survivors Unite is a non-profit, volunteer-run organisation fighting for the rights of disabled survivors of abuse and sexual violence. We are a 100% user-led organisation, run entirely by and for disabled survivors.
2. Disabled people are at a much higher risk of sexual violence than non-disabled people, and part of our mission is to identify why this is and how we can change it. To achieve this, we provide a space for disabled people to share their experiences of sexual violence, and of the support services offered to them. These stories form the basis of our advocacy for changes in policy and law to better support disabled survivors.
3. Our past work has involved policy work, campaigning, public speaking, research projects, peer support, media, consultancy, and providing advocacy support to individuals. We have worked with national and local services to help them become more accessible to disabled people by providing training and support with developing internal policies. Additionally, Disabled Survivors Unite has delivered testimony to the European Parliament on domestic abuse against disabled people and the forced sterilisation of disabled women. Our work has evolved over time, and we currently focus on shaping policy through sharing the stories of disabled survivors to make sure our voices are heard.
4. Our aim in submitting this evidence is to highlight the specific experiences disabled people face. Please note that names have been changed and any identifying information removed. The stories shared are in the survivor's own words, with edits only made for clarity or conciseness.

## EXPERIENCES WITH THE POLICE

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5. The disabled survivors who contacted us were often disbelieved by the police, or they were told they had misunderstood an assault because they are disabled. This resulted in further trauma for those who came forward and reported their rape to the police.
6. Disabled Survivors Unite have heard from countless people who have experienced the police insinuating that disabled people are unreliable witnesses, and therefore cannot be counted on for

accurate reports. There were even comments suggesting that disabled people are not ‘attractive enough to be assaulted.’

7. Nancy\* was regularly sexually abused by her grandfather, starting when she was 11 years old. This was reported to the police, but they refused to believe her due to her being autistic. She shares:

*“My school called the police when I disclosed at 15 and I underwent an interview, after which my parents were told that I had simply misunderstood his actions due to my Autism and the case was dropped. He went on to abuse a number of other people in the next five years, but the abuse I was subjected to was never brought up again even though he was prosecuted for the other (less serious as far as the law goes) incidents, and he died without ever facing consequences for his abuse of me.”*

8. The reluctance of police officers to believe or trust victims because of their disability is something we have heard often through our work at Disabled Survivors Unite. The threads connecting these stories are an unwillingness to believe disabled survivors, and the utilisation of disabilities in allowing the perpetration of abuse and sexual violence to continue without consequence.
9. As you will read in the following two stories, the impact of coming forward and not being believed due to your disability, or even having it be the reason your case is shut, is absolutely devastating. And it happens far too often.
10. Robin\* shares that the police were dismissive, and called Robin’s credibility into question due to their disability:

*“I had no justice. I have a developmental disability.*

*I was sexually assaulted and abused at work. When it finally came out what happened the bosses focused on my condition and whether my abuser knew about it. They strongly advised me not to call the police. It was dealt with internally.*

*Months later my mental health was a mess and I was taken to A and E. They told the police what happened. The police turned up in the night and then twice in the next two days. They focused on my condition and whether I was credible. I was talked over constantly.*

*Rape crisis said they could help me take the case to court but I was advised not to my family and it was hinted by the police officer too. My mental health was very low and I wasn't well.*

*In the end I asked for time to think about it before a deadline they had set for the case. They agreed to this but then never called me back. I never heard from the police again. That was it. It really upset me and the whole experience set me back a long way mentally. I am safe now.”*

11. Diya\* shares that she was discounted to such a point that she questioned her own sanity:

*“I was made to feel like I had lost my mind. The recording I had of the incident was not found and I was made to feel as if I had imagined being assaulted. To the point where I spoke to my ISVA about being insane instead of being a victim. I convinced myself I was crazy. Of course my mental health was to blame and I was delusional.*

*I was threatened with being charged with wasting police time and other offences. A month after the incident the initial forensic came back with positive DNA from a man. Two months after it was a match for someone in the database.*

*They arrested the man. Who denied knowing me or anything about me, later he admitted the sex.*

*My case was dropped about 5 months later for fear it could damage my well-being as it was my word against his. I asked for reconsideration and the man was charged.*

*A few months later they dropped the case because it was not going to be successful. They used my mental health as a chip, it was the reason behind all their decisions no matter how hard I tried to prove I could cope, it was never enough.”*

12. Michael\* was sexually assaulted by a paid carer whilst receiving their help getting washed. Later, the carer said that what happened had been misinterpreted, that he was just “being helpful and thorough.” Michael reported the incident to the care agency, and after speaking with them and his Social Worker, he decided to report the assault to the police.

*“Whilst the policewoman was very nice, I was advised that the matter could not be taken further as there was no evidence it was my word against his. What really bugs me, apart from what happened is the fact that the perpetrator has been able to get away with it, keep his job and escaped with this scot free?”*

*Michael has since found out further complaints have been made against this carer, he said: “I wasn’t the first and unquestionably won’t be the last. I have no idea how but this man needs stopping.”*

## WHY PEOPLE CHOOSE NOT TO REPORT

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13. People choose not to report sexual violence to the police for many reasons. As mentioned above, many disabled survivors have found the police dismissive, or sometimes outright insulting. Some people are not believed because of disability, and some cases are not pursued as a disability is deemed to make the person an "unreliable witness." Disabled Survivors Unite have heard from several people who decided not to report due to an expectation that they would not be taken seriously because of how their disability presents itself.
14. When Diana\* was 16, she was drugged at a party. Her friends thought she was unwell and took her to a bedroom to rest, where she was assaulted. She decided not to report it.

*“My attacker came into the bedroom where I was laying semiconscious and raped me there. I was unable to make a noise or move because my body wouldn’t move the way I wanted it to, but I was definitely unresponsive to this person’s advances and I was crying during the assault.*

*I don’t know who the rapist is because I’m blind. He never spoke while in my company so I have no way of even identifying him by his voice. I never reported the assault for this reason.*

*I felt disgusted for myself, anger at my own vulnerability, and guilt at my own inability to report this person who might have raped someone else because I couldn’t put him away.”*

15. It is also important to highlight that disability communities exist, and some are very close-knit, so stories about poor treatment by the police do spread and can be incredibly discouraging. We have also heard from survivors who attended ‘special schools’ and felt they could not report due
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to being outed because of how small the community is. For this reason, we are unable to even include the stories they have shared due to the possibility of identification, even several years after the fact.

16. Additionally, while we are focusing on disabled survivors in this submission, we feel that it is important to highlight that this is happening on a more universal level. There is such a significant mistrust in the criminal justice system and the police that a large portion of young people truly feel it is pointless to come forward and report a sexual assault. The massive drop in rape prosecutions is known publicly, and therefore it often seems pointless to subject yourself to what is an extremely invasive, humiliating, and re-traumatizing experience. The stats and numbers you will see repeated in these submissions represent real people, a whole generation that has come-of-age feeling that nothing will be done if they are raped.

17. Alex\* reported to the police and regrets it:

*“As someone who has reported their rape to the police, I would struggle to encourage anyone else to do so due to how poorly handled it was. I want to make it explicit just how awful going to the police was: I was drugged by a stranger and raped, and the thing that genuinely broke me was the lack of care, lack of humanity of the police handling my case. It truly re-traumatized me. It's been a couple of years and, to this day, I still feel the panic rising anytime I'm near a Metropolitan police officer or see the uniform. I'm not alone. I don't know a single person whose case went to court. The lack of trust is so deep now, most young people know it's pointless to come forward. Why subject yourself to the humiliations and process when you know nothing will come of it?”*

18. Disabled Survivors Unite also know from our work around domestic abuse that disabled people in romantic relationships can struggle to come forward, because their abusive partners are often seen in a positive light. Due to disability discrimination, the partners of disabled people are automatically assumed to be ‘caring’ for a disabled person, and often disabled survivors will get dismissive responses such as, “You should be happy anyone is putting up with you. Your partner is a saint for dealing with your disabilities day after day.”

19. Taylor\* decided not to report being raped by the person they were married to, and shared their story with us:

*“How do you talk about or report rape in marriage when you are told you consented to it when you married the person? The trauma of the violation is profound... if it goes to court, one has to relive this... treated as a criminal, like you are the one who has committed the crime... I recoil at the thought. I am not in the relationship any more, but twelve years on still broken. I don't know the answer, because it's complex.”*

## RECOGNISING ABUSE

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20. During our work these past few years, there has been a common theme: an overwhelming amount of people that have reached out to us say they did not realise they had been sexually assaulted, sometimes not until several years after the fact. This is an issue that Disabled Survivors Unite believe plays a significant role in why disabled survivors do not report rape to the police.
21. Fatima\* did not know that she had been raped until almost a year after leaving the relationship. She wrote this about her experiences:

*“I didn't know I was being raped because my autistic brain thinks literally, and abuse is often more subtle. It turns out rapists don't always say “I am going to rape you”. Sometimes, rapists say “Why not? Why not? It'll be fine! Do you still love me? Then why not?”*

*I didn't know I was being raped because I didn't really know what a healthy relationship looked like, and I assumed he was it. He says he loves me, he keeps wanting to see me and wanting sex so he must love me, and that means he “needs” sex and I should let him have it, right? The idea that people and particularly men “need” sex is so pervasive that the actual needs of others are considered less important, and nobody told me otherwise. I also thought it was romantic that he'd say “shut up” and then force me into a kiss – just like the movies, right?”<sup>1</sup>*

22. On a basic level, you cannot report something you do not realise is a crime. To help increase the rate of reporting, Disabled Survivors Unite recommends ensuring that every young disabled person in this country is provided with comprehensive, accessible, and inclusive Relationships

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<sup>1</sup> Read Fatima's story in full here: <https://disabledsurvivorsunite.org.uk/index.php/2018/03/02/the-sixth-restoryteller/>

and Sex Education, with lessons that include disabled people's experiences and are available in accessible formats, such as British Sign Language, Easy Read, and Braille.

23. Many disabled children do not receive RSE at school. Special schools often do not run these classes, and disabled children are often removed from the classes in mainstream schools. This means disabled people are not being given the tools to identify and report abuse. While we hope to see this change with the government's new RSE guidance, it feels important to highlight this issue, as it has come up frequently in Disabled Survivors Unite's work.

## AFTER REPORTING

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24. Independent Sexual Violence Advisors can be a good source of support for people who have been victims of sexual violence. However, most IDVAs are not trained in-depth on how to work with and support disabled survivors. Disabled Survivors Unite champion the creation of specialist advisors who are trained to work with marginalised communities, including disabled people. In addition, more funding needs to be set aside for the creation and maintenance of specialist services that work with marginalised communities.

25. Alex\* struggled to find support after reporting being raped:

*“Upon hearing that my case would not go forward, I tried to kill myself. I remember waking up in the hospital bed with an apologetic doctor explaining that England didn't have any support set up for “people like me” - autistic rape victims. I didn't believe her at first, but after reaching out for support several times, I sadly realised that she was right.”*

26. Both disabled survivors and support providers have spoken to us about being told similar things, especially regarding autistic survivors. There have even been several incidents of an organisation referring victims to outside support agencies, only for the referrals to be denied because the victims were autistic.
27. Through our work at Disabled Survivors Unite, we have spoken with hundreds of survivors, none of whom had their cases go to court. We feel this is incredibly important to highlight in this submission, because it reveals how frequently disabled survivors are disbelieved.

28. Barriers exist at every level, and many courts are not accessible to disabled people. In fact, recent research by Bolt Burdon Kemp found that only 2% of Britain's courthouses are fully accessible.<sup>2</sup> Even if an accessible court is chosen, we would argue that disabled survivors would benefit from automatically having pre-recorded cross-examinations put in place.

## OUR RECOMMENDATIONS

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29. Disabled Survivors Unite believe these recommendations could work towards ensuring disabled survivors are supported rather than retraumatised.
- ☐ That all those who work with survivors receive comprehensive, thorough, and mandatory training on disability, the unique experiences of disabled survivors, and how to properly support us. This includes, but is not limited to, Police Officers, Sexual Assault Referral Centre staff, Independent Sexual Violence Advisors, Solicitors, Barristers, and Judges.
  - ☐ That Police Officers are required to ask victims whether they are disabled and need any adjustments made. This is necessary because during such a difficult time survivors may be unable to identify they need to explain their disability and needs. Many disabilities are not visible or apparent.
  - ☐ The role of an appropriate adult<sup>3</sup> is extended and made available for vulnerable victims of crime. Victims need an independent party to safeguard their rights and welfare, just as those suspected of a criminal offense do.
  - ☐ Creation of Specialist Independent Sexual Violence Advisors that are trained to work with communities who have specific needs, such as disabled people.
  - ☐ Ensuring that the venues which survivors need to attend, such as police stations and courts, are accessible to all disabled people. Information and support need to be provided in an accessible format, such as British Sign Language, Easy Read, and Braille.
  - ☐ Automatic designation of all sexual assault cases involving disabled complainants into the S28 pre-recorded cross-examination pathway.<sup>4</sup>

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<sup>2</sup> Only 2% of Britain's civil and criminal courthouses are fully accessible

<https://www.boltburdonkemp.co.uk/campaigns/only-2-percent-british-courthouses-fully-accessible/>

<sup>3</sup> What is an appropriate adult? <https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult>

<sup>4</sup> Guidance HMCTS services: Section 28 pre-recorded cross-examinations <https://www.gov.uk/guidance/hmcts-services-section-28-pre-recorded-cross-examinations>

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- ☒ It should be assessed after Achieving Best Evidence interviews whether a disabled survivor would need an intermediary<sup>5</sup> for evidence in court. This would allow for it to be worked out in advance what measures would need to be in place for the disabled survivor if the case goes to court.
- ☒ Funding is made available for research on disability and sexual violence guided by disabled survivors, which would examine issues such as the reasons people do not report, and their experiences of the criminal justice process. Currently, such research does not exist.

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<sup>5</sup> What is an intermediary? <https://www.cps.gov.uk/legal-guidance/special-measures#a07>